IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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UNITED STATES OF AMERICA                           :
                                                   :  CASE NO.   1:10CR66
                               Plaintiff           :
                                                   :
              -vs-                                 :
                                                   :
                                                   :
KENNETH KUSHLAN                                    :  ORDER ACCEPTING PLEA AGREEMENT
                                                   :  AND JUDGMENT AND NOTICE OF
                               Defendant           :  HEARING
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UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of Kenneth Kushlan which was referred to the Magistrate Judge with the consent of the parties.

On 10 February 2010, the government filed a one-count indictment against Kenneth Kushlan for assault on a federal officer in violation of 18 U.S.C. § 111(a). On 25 February 2010, a hearing was held in which Kenneth Kushlan entered a plea of not guilty before Magistrate Judge Baughman. On 26 July 2010, Magistrate Judge Baughman received Kenneth Kushlan's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Kenneth Kushlan is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Kenneth Kushlan is adjudged guilty of Count One in violation of 18 U.S.C. § 111(a).

Sentencing will be:
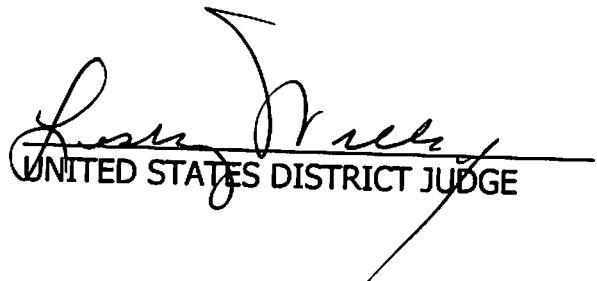
5 October 2010 at 9:30 a.m.

Courtroom 16-B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113

IT IS SO ORDERED.

Dated: _13 August 2010_   _____
UNITED STATES DISTRICT JUDGE

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